

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1777 - SB 1767

February 21, 2018

SUMMARY OF BILL: Requires the Department of Safety (DOS) to at least once quarterly provide the Secretary of State (SOS) electronic records containing the name, age, residence, and citizenship information for every person 18 years of age or older who applied for a driver license, photo identification license, or handgun carry permit. Requires county election commissions to register all such persons to vote unless certain notice is provided by the individual declining to be registered. Requires the DOS, SOS, and each county election office to provide notice on how to decline to register to vote.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$275,000/FY18-19

Increase Local Expenditures – Exceeds \$450,000/FY18-19*

Exceeds \$200,000/FY19-20 and Every Two Years Thereafter*

Exceeds \$400,000/FY20-21 and Every Two Years Thereafter*

Assumptions:

- Pursuant to Tenn. Code Ann. § 2-2-201(a), the Department of Safety includes a voter registration application as part of any driver or photo identification license application, and such applications offer individuals the option to decline to register to vote.
- Persons 18 years of age or older applying for a driver license, photo identification license, or handgun carry permit would automatically be registered to vote unless:
 - Registration to vote was declined at the time of application;
 - The applicant fails to contact the DOS or the local county election office within 21 days of filing any such application indicating their declination to be registered; or
 - The applicant fails to inform the SOS at any time prior to a county election commission registering the person to vote.
- Pursuant to Tenn. Code Ann. § 2-2-201(a)(2)(D), the DOS is required to provide voter registration applications to county election commissions; as a result, there will be no increase in state expenditures for the DOS to provide such information to the SOS.
- Pursuant to Section 5(e) of the National Voter Registration Act (NVRA), a completed voter registration form accepted by a state motor vehicle authority shall be transmitted to the state's election official not later than ten days after the date of acceptance.

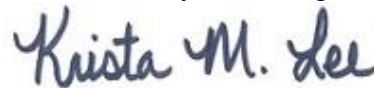
HB 1777 - SB 1767

- The SOS estimates that electronic records would be transferred from the DOS to the SOS on a daily basis in order to comply with NVRA; however registrations would be watched for 21 days to await a declination by applicants.
- Updates to the voter registration database will be required in order to account for persons automatically registered who have 21 days to decline registration. Such updates are estimated to result in a one-time increase in state expenditures of \$275,000.
- Pursuant to Tenn. Code Ann. § 2-2-109, applications for registrations may not be submitted after 29 days prior to an election; and pursuant to Tenn. Code Ann. § 2-6-102, early voting occurs no more than 20 days nor less than 5 days before the day of the election.
- Persons automatically registered will have 21 days to decline such registration, and the period for which they will be authorized to decline will overlap with the early voting period.
- In order to process voter registrations which will occur during the early voting period, county election offices will require additional staff, supplies, computers, and workstations.
- Based on a survey of county election commissions conducted by the Division of Elections, the recurring mandatory increase in local government expenditures is estimated to exceed \$200,000 per early voting period for additional staff and supplies and a one-time increase in mandatory local government expenditures exceeding \$50,000 for computers and workstations.
- In FY18-19 and every two years thereafter there will be a mandatory increase in local expenditures exceeding \$400,000 (\$200,000 per early voting period x 2 election cycles) for additional staff; and in FY19-20 and every two years thereafter there will be a mandatory increase in local expenditures exceeding \$200,000.
- The total mandatory increase in local government expenditures in FY18-19 will exceed \$450,000 (\$400,000 + \$50,000); in FY20-21 and every two years thereafter the mandatory increase in local expenditures is estimated to exceed \$400,000.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jrh